



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY**  
**DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

TO: Somerville Board of Aldermen and the Somerville Planning Board  
FROM: George Proakis, Director of Planning  
RE: Union Square Zoning Amendments  
DATE: October 16, 2016

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For your review today, I am sending to you a copy of the Union Square Zoning that was submitted to the Board in July. I am also attaching two zoning maps. These maps, while identical in content to the maps submitted in July, are designed to be easier to read. The map and ordinance changes in the attached documents make up the proposed zoning amendments that we are recommending for Union Square.

This staff recommendation is designed to introduce the ordinance and maps, provide basic information about their content, and facilitate discussion at the public hearing.

**Implementing the Union Square Plan**

This ordinance serves as the first step towards implementing the Union Square Neighborhood Plan. Staff provided a copy of the completed plan to each Alderman last week, and has previously provided copies to the Planning Board. The plan, which was adopted by the Planning Board in May, is the result of two years of community process and professional analysis. It is designed to build the strategy for a future Union Square, as well as Boynton Yards, that will be vibrant, successful and equitable. It serves as the basis for this ordinance, and fundamentally the ordinance should permit the City to begin implementation of the plan within the core of Union Square. The development in Boynton Yards, beyond the D3 parcel, will be facilitated through an additional zoning amendment which will create a Boynton Yards Overlay District, and develop a new strategy for underlying zoning in Boynton Yards. These steps will be incorporated into the second version of the Zoning Overhaul, when it is delivered to the Planning Board and Board of Aldermen early in 2017.

**Before the Union Square Plan: The TOD and CCD District Strategy**

The Union Square neighborhood planning process began in the fall of 2014, but planning for the future of Union Square and Boynton Yards goes back many years before that. As early as 2003 city leaders were aware of the opportunities that would come from the arrival of a Green Line MBTA station in the area of Union Square and Boynton Yards. A 2003 plan identified opportunities for growth, but did not lead to zoning changes that would permit the plan to begin implementation. By 2009 the City developed preliminary zoning changes for Union Square, creating the CCD and TOD zoning districts which would permit greater development in these areas, while establishing expectations for transit-oriented design. Those districts have served the city well for the intervening years, but, they have proven to have a few

challenges that need to be addressed:

- a. The TOD 100 district is difficult to develop within the provisions of the state building code, which require expensive high-rise construction techniques for developments above 70 feet.
- b. The districts permit individual developments that will not necessarily provide a method for developing and funding infrastructure improvements. This becomes particularly challenging in locations where new service alleys or roadways are required.
- c. The districts do not guarantee the quality of publicly accessible open space that can be expected from a more comprehensive strategy.
- d. The parking ratios, while lower than in the older zoning districts in Somerville, still were higher than necessary for a transit-served neighborhood, especially if that neighborhood can incorporate requirements for a Transportation Management Association, similar to strategies used in Kendall Square and the Longwood area in Boston.
- e. While the TOD districts propose a preference for commercial development, neither TOD nor CCD districts guarantee the commercial/residential splits that are expected by SomerVision. As long as land values for residential developments remain higher than for commercial developments, there is little opportunity to achieve the mix of uses the community desires.

Nonetheless, many values that came out of the 2009 zoning process were carried forward in the recent neighborhood planning efforts, and are further reinforced by this proposed zoning along with the forthcoming overhaul. These new codes put people before cars, encourage high quality design, and focus on the need for transformative strategies.

### **Underlying District Changes**

This ordinance develops a new overlay district to address transformative development over many lots. However, to implement an effective overlay requires adjustments to the base zoning districts established in 2009. The base districts are changed from the 2009 zoning in two key ways:

- a. Areas where the Neighborhood Plan recommends lower heights than are in place today are down-zoned accordingly. In particular, sections of Washington Street on the edge of Prospect Hill, as well as parcels along Prospect Street are reduced from the CCD-55 district to the CCD-45 district, dropping 10 feet in permitted height in the underlying zoning.
- b. A “commercial only” version of the CCD-55 and CCD-45 districts is introduced. To implement the Neighborhood Plan’s strategy of a commercial-only core in Union Square, a limited number of parcels that directly face the square are moved into new commercial-only CCD districts that will not permit residential uses.

### **The Overlay District & the Coordinated Development Plan**

As noted above, to fully implement the Neighborhood Plan, the zoning proposal uses a new overlay district. The overlay sits over the revised base zoning districts in Union Square. For a developer using the overlay, there are a number of benefits:

- a. The developer gets to use taller buildings on key lots within the overlay. In particular, the taller buildings identified in the Neighborhood Plan for the D2 and D3 sites can only be activated within the overlay.
- b. The developer can select from a series of building types that provide some more dimensional flexibility in certain circumstances.
- c. Required open space, arts and creative uses, and affordable housing can be moved between lots within the overlay, as long as they are part of the same Coordinated Development Plan.

This is how the overlay works:

1. To use the overlay, a development team must have a minimum development size that includes multiple lots in the district.
2. Developers can only ‘activate’ the overlay by creating a ‘Coordinated Development Plan’. This plan will involve identifying the types of buildings that will be located on each parcel within a proposed development, as well as the location of required open spaces.
3. The approval of a Coordinated Development Plan requires a vote for a Coordinated Development Special Permit by the Planning Board.

4. Individual buildings are then approved through the site and design plan review process

To activate the overlay, a developer must meet a few fundamental requirements:

- a. A minimum of 60% of total square footage of the completed project must be commercial
- b. No more than 10% of that commercial area may be retail uses
- c. A minimum of 5% of that square footage must be for arts/creative uses
- d. Commercial space must be at least 375,000 square feet minimum of the total plan
- e. Residential spaces are limited to 1 dwelling unit per 685 square feet of land in the plan area

Each of these numbers is carefully calibrated to ensure that the complete project has an adequate mix of jobs to housing, thereby meeting the goals of the Neighborhood Plan and SomerVision.

To address the realities of development schedules, the zoning does not call for commercial developments to be built first. While the staff understands that some members of the community have requested this, it isn't possible within the realities of the market and the way that commercial office and lab space is built. While there has been extensive interest in Union Square in the commercial and lab market, those commercial and lab interests will only move to build if the Green Line is under construction and there is a proven record of constructing new structures in the neighborhood. This is not that different from the circumstances that brought Partners Healthcare to Assembly Row. So, while commercial development does not have to come first, anybody using a Coordinated Development Plan will have to limit the development of many lots to commercial uses in order to build any residential development under the plan. Staff welcomes the opportunity to further discuss this as a part of the zoning review process.

### **Strategies for Developer Contributions to Benefits**

The overlay will also only be activated by a developer that addresses three other key community contributions:

- a. A contribution to the GLX Project
- b. A contribution to surface and subsurface infrastructure improvements in the neighborhood
- c. A contribution to fund public benefits that are prioritized by the community

These items are not embedded as requirements in the zoning. Ideally, these would be in the zoning with established metrics, like we do with inclusionary housing and affordable housing linkage. That cannot be done. The Massachusetts zoning act, as interpreted by state courts, will not permit the city to set impact fees in the ordinance itself.<sup>1</sup> So, we have to create our own system, and ensure that it will be applied to each development prior to receiving the special permit for a Coordinated Development Plan. In order to receive approval of a Coordinated Development Plan, developers will be expected to sign covenants to address the following:

1. A payment towards the GLX Project. In this case, all new development will contribute towards paying back the local investment that the MBTA is requiring of the City for the green line extension
2. A payment towards off-site infrastructure. This will cover a portion of the total infrastructure costs, and can be combined with funds from state and/or federal grants, local funds raised through a DIF district as well as local water/sewer funds that have been dedicated to fixing subsurface infrastructure. This pool of funds will ensure the completion of surface and subsurface improvements to Union Square and its surroundings.
3. A payment to towards remaining community benefits. There has certainly been extensive discussion about how to best do this. The Neighborhood Plan dedicates a significant effort to addressing strategies for equity, and some recommendations depend upon developer contributions. The LOCUS process, led with the help of the City's Economic Development team, has facilitated additional conversations about the use of benefit funds and the best method to distribute them. While the zoning does not identify the method or priorities for distribution of

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<sup>1</sup> The inclusionary zoning is specifically authorized by the zoning act. Affordable housing linkage is permitted in Somerville through a home rule petition approved by the State Legislature. Recently the Legislature also approved linkage for job training in Somerville, and the city is working towards providing a job training linkage zoning ordinance in the near future.

these funds, these issues must be addressed before a Coordinated Development Plan is approved, and, in the case of the Union Square master developer, US2, the City is working to address them prior to any action being taken on this zoning amendment.

The May 2016 LOCUS process has informed the need for community benefits, and resulted in a report that identified potential benefits in a number of categories. Many of these items were also recommended in the Neighborhood Plan. Some of these benefits can be required by zoning and others are not permitted to be provided by zoning. The ones that cannot be in zoning are best placed in covenants and agreements for payment and funding through a separate organization. The ones that can be placed in zoning should be in the ordinance.

Planning Division staff reviewed the LOCUS report and incorporated any recommendation that could be legally incorporated in a zoning ordinance, that reflected SomerVision and Neighborhood Plan goals and that are technically achievable through the Union Square planning efforts. These include:

- a. 20% inclusionary zoning
- b. Linkage for affordable housing
- c. A portion of spaces provided for arts and/or maker uses
- d. Creation of design standards and guidelines for the public realm
- e. Establishing a Mobility Management Association
- f. Ensuring that parking is central and shared
- g. Incorporating parking maximums
- h. Providing significant bike parking
- i. Creating better streets

The OSPCD Economic Development team will provide an update on the benefits process and strategy of benefits for the US2 parcels, through a separate memo.

### **Items of Note in the Union Square Zoning**

Key metrics of the new zoning include:

Ratios: As noted above, projects in the overlay require 60% commercial development, with a minimum of 375,000 square feet of total development as commercial. Retail is limited to 10% of floor area. 5% of commercial floor area must be for arts/creative uses. Lot area per dwelling unit is set at 685, across the entire development plan that is submitted. This lower overall residential density than the previous TOD and CCD districts is realized because of the required commercial components of the mixed-use project.

Affordable Housing: Development under the overlay will be subject to the new 20% inclusionary zoning requirements that were put in place in May 2015.

Parking and Mobility Strategies: Development under the overlay will not have minimum parking requirements. Instead, parking is disconnected with individual uses, but is reviewed as a part of the overall development plan. Total parking spaces are capped at no more than 1500. No more than 300 may be reserved for a specific individual. The rest must be available to multiple uses. This will allow for flexible use of the parking spaces for activities that are either in the attached building or elsewhere in the neighborhood. Parking is limited to garages that are lined by other uses, a part of another building type or located underground. Surface parking is permitted only as a temporary use during development. To reduce parking and traffic demand, a developer of a Coordinated Development Plan will be required to set up a Mobility Management Association. This organization, similar to organizations established elsewhere in the state, will be required to undertake strategies to incentivize walking, biking, transit use and carpools. The Charles River Transportation Management Association, which operates in Kendall Square, has permitted Kendall to accept millions of square feet of new commercial growth without increasing traffic in the past decade.

Building Types: The Coordinated Development Plan permits the applicant to select from a set of building types to be used on each lot. Lots can be split for zoning purposes to permit multiple building types. For example, to activate the D2 site with the strategy presented in the plan, the applicant would split the site

into three lots, develop a commercial building type or laboratory building type on the corner of Prospect Street and Somerville Avenue. Then the developer would place a mixed-use building on the center lot, and a podium tower building on the lot closest to the MBTA station. These two buildings would connect internally, and share parking in structures that are tucked behind them. All of the buildings would be served by a service alley that would include entrances for all parking and loading. Similar strategies are used for other building sites within the plan, to permit an applicant to use the building blocks of urban places to make sure that each building contributes to the walkable neighborhood.

Generating and Receiving Lots: Lots that generate certain requirements can send those requirements to 'receiving' lots. This strategy is proposed for pedestrian circulation space requirements, affordable housing requirements and requirements for arts and creative uses. This is particularly beneficial, as it will allow open spaces to be consolidated into more valuable places, rather than scattered in small scraps across some of the smaller development sites. Arts and creative uses can be consolidated in locations that provide for sharing of ideas between artists and businesses. For affordable housing, sending the units to other sites within the development will permit more family-style units to be located in buildings that are better designed for family uses. Staff will carefully monitor requests to send and receive affordable housing, to ensure that all affordable units are built in on a timely basis and that affordable units are not completely left out of any portion of the development.

Open Space: This zoning proposal is prioritizing quality public spaces that will make great urban places. It requires that new development contribute towards that goal. But, the zoning also acknowledges the value of the open space that we already have around Union Square, including that which will be substantially upgraded through the streetscape improvement work. This issue was discussed extensively during the neighborhood planning process. After issuing the Neighborhood Plan draft, stakeholders shared concerns with staff that the open space numbers were too low. Staff recalculated open space, based upon SomerVision goals, and proposed nearly doubling the open space requirement, so that 15% of development lots would be required as open space. Development in Union Square under the overlay will be required to provide 15% of their land area as pedestrian circulation space, and the larger lots will require that space to be designed as one of the group of 'civic spaces' that are outlined in the plan. Some stakeholders remain concerned about this goal, resulting in a disconnect between the open space numbers in the Neighborhood Plan with those in the LOCUS report. Planning Division staff is working to provide more detail on how we arrived at this open space requirement and why we believe that it works for the Union Square plan area.

### **A Note About the Overhaul**

This Union Square district uses a number of strategies that are intended to be adopted in the city-wide zoning overhaul. For this reason, the ordinance before you today is a long document. It incorporates sections on civic spaces, signs, uses, mobility management strategies and review process that are all intended to be established as a part of the overhaul and applied to multiple special districts. The next drafts of the overhaul will propose overlays that can be extended across the areas targeted for transformation development including Boynton Yards, Brickbottom, InnerBelt and the Twin City/Grand Junction area. In each circumstance, by establishing lower-density baseline zoning, and then permitting an optional 'Coordinated Development Special Permit' for greater development, the city can compel developers to find comprehensive strategies for developing these districts or significant portions thereof. In each case, the plan will require a Special Permit from the Planning Board. While building sizes and types may be different for different areas in different districts, all will have similar strategies for civic spaces, signs, uses, and mobility management strategies.

As a result of that, much of what is in this ordinance will become regulations that impact multiple districts, while each individual district will require a much smaller section of the zoning overhaul itself, describing only what specifically applies to that district.

In each of these districts, developers will address similar strategies for contributions to benefits. We are committed to the strategy that each and every developer doing transformational mixed-use development in Somerville shall contribute to the value of the public infrastructure that will be required to make their projects work, as well as to contribute to a series of public benefits that work to address issues of equity

and concerns about displacement in the community.

### **Union Square's Role in SomerVision**

When SomerVision was adopted in 2012, the City pledged to establish a strategy to create 30,000 jobs and 6,000 housing units between 2010-2030. A key recommendation of SomerVision was the need to implement the document through local neighborhood plans that would provide strategy for how to meet and exceed SomerVision growth in forthcoming years. At that time, the City was engaged in a number of planning efforts, including:

- a. wrapping up a planning effort in Innerbelt and Brickbottom, and struggling to find a way to provide adequate access to Innerbelt to make it work as a commercial center.
- b. Working to implement planning efforts in Assembly Square, through the development of the first floor blocks of FRITs Assembly Row project.
- c. Reviewing the street and infrastructure demands around Boynton Yards and the adjacent Union Square station.

Upon completion of SomerVision, planning staff begun by working on walkable neighborhood center plans for Lowell Street and Gilman Square station areas. With these complete, the city moved efforts into other neighborhoods. As the GLX Project progressed, the situation in Union Square emerged as both an opportunity and a challenge. The MBTA looked to the City for the opportunity to secure the land for the station. The city was working to begin neighborhood planning in the area. In the summer of 2012, with the completion of the Union Square Revitalization Plan, the city agreed to secure the land for the station and consolidate certain development parcels to implement the revitalization strategy. Then, the City's Economic Development team sought out a master developer for the disposition parcels identified in the Revitalization Plan. Soon after the US2 team was selected, the City began a process to create a more detailed Neighborhood Plan for the Union Square and Boynton Yards. This would build upon earlier efforts that went back over a decade, while working to address concerns in the neighborhood about displacement and affordability.

As all of this was happening, City data established that there were far better opportunities in the near term for building a commercial sector in Union Square than in other transformation areas (except for the already bustling Assembly Square). Union Square has infrastructure that will need to be replaced in order for much of the city to redevelop. Meanwhile there are even greater infrastructure challenges specific to the InnerBelt neighborhood, which make it more likely to take longer than Boynton Yards to redevelop.

SomerVision numbers provide a perspective on where we are going in the 20-year period between 2010 ad 2030. During this time period, the City's aspirational but achievable goal is to bring 6,000 housing units and 30,000 jobs to the City. SomerVision further breaks this out in it's appendixes, based upon the raw size of each of the transformational areas of the City. But, that breakout has its flaws. First, it assumed that all transformational areas would grow at the same speed. Second, it did not suggest what to do with growth beyond 2030. Most of our zoning models suggested that there would still be room for growth, even if we meet all our targets. That is a valuable calculation, as the city should give future generations opportunities to determine how the city should continue to evolve.

As the plans for Union Square and Boynton Yards progressed, the data established that these areas could support additional residential and commercial growth in a nearer term, because of the circumstances surrounding their location and infrastructure. The infrastructure in Union Square needs to be improved, regardless of any new growth occurring. But such improvements provide an opportunity to reshape the streetscape and meet the needs of new commercial and residential development. This would be adequate enough to support the infrastructure work, the required support for the GLX and some remaining funds for public benefits beyond infrastructure costs. Prior to releasing the final version of the Union Square plan, the Planning Division staff held a meeting to discuss how this might play out through growth in Union Square and Boynton Yards, both within and beyond the SomerVision timeframe. Based upon community feedback in this meeting, staff adjusted the post-SomerVision growth, assuming more commercial growth would continue to be developed into 2040 and beyond. The result of this strategy is what is summarized on page 11 of the Union Square plan, identifying the opportunity for these two areas,

over the next 25+ years, to support over 4 million square feet of new commercial development, over 15,000 jobs and about 2,349 housing units of which 470 would be permanently protected as affordable housing.

### **Public Process and Change**

Finally, since this ordinance and related maps were first submitted to the Board in July, there have been a number of individuals and groups in and around Union Square that have reached out to us and shared their comments and thoughts prior to the public hearing. As you know, our ordinances are always stronger with public input and involvement, and this ordinance is no exception. During this week's public hearing, you will likely hear a number of suggestions to make this ordinance stronger. Many of these suggestions have likely been discussed in our smaller meetings since July. And, while some of these improvements may not be possible or may not be supported by staff for a variety of reasons, there are others that we agree would improve the ordinance. For this reason, we have been maintaining a list of likely improvements to the ordinance and look forward to working with the Planning Board and Board of Aldermen after the initial public hearing to review strategies to implement appropriate adjustments. This list will include fixes to typos and cross-reference errors, as well as adjustments to the strategies for design standards and increases to the minimum size of a Coordinated Development Plan. We look forward to working with you on this list in the coming weeks.

### **Conclusion**

The Planning Division staff has determined that the attached ordinance will implement the Neighborhood Plan in the core of Union Square over many years to come. Therefore, the Planning Division recommend that the Planning Board support this amendment and that the Board of Alderman adopt it. As noted above, the staff understands that the ordinance will benefit from some adjustments, and we look forward to working with you on those improvements.

Planning staff will be in attendance at the meeting on October 18, 2016 and available to present, discuss and answer questions about this draft.

### **Enclosures:**

1. Proposed Ordinance
2. Proposed Maps